

THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :25777 of 2007

DATED:07-12-2007

BETWEEN:

Penumatsa Subba Raju.

..... PETITIONER

AND

The Government of Andhra Pradesh,
Rep., by its Principal Secretary,
(Revenue Assingment),
A.P.Secretariat,
Hyderabad & 2 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the 3rd respondent in interfering with the peaceful possession and enjoyment of the petitioner lands in Sy.Nos.31 & 33 situated at Kanimeraka village, Bondapalli mandal, Vizianagaram District by highhandedly erecting sign boards in the petitioner's land proclaiming the same as Government land, without notifying the petitioner about invalidating facts relating to the possession and title of the petitioner over the subject lands and without passing any orders about the same with due communication to the petitioner, as illegal, and arbitrary.

3. It is the case of the petitioner that he is the sole and absolute owner of an extent of Ac.3.88 cents in Sy.Nos.31, 33, 42 and 34 of Kanimeraka village, Bondapalli mandal, Vizianagaram District having purchased the same vide various sale deeds during the years, 2001-2004. Whiles, the 3rd respondent-Tahsildar, Bondapalli mandal issued a notice in Form-II under Rule 3 of the A.P.Assigned Lands (Prohibition of Transfers) Rules stating that various extents of lands in various survey numbers totaling Ac.4.09 cents assigned in favour of the landless poor have been

transferred in favour of the petitioner in contravention of sub-Section 2 of Section 3 of the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (for brevity, 'the Act') and accordingly petitioner was called upon to submit explanation within fifteen days as to why the said lands shall not be resumed to the Government.

4. It is stated that the petitioner filed explanation on 30-04-2007 to the said show cause notice stating that the said lands are zero-yati lands and they are the assigned lands and therefore he has purchased the same. It is the case of the petitioner that without passing final orders, he is sought to be dispossessed.

5. Learned Government Pleader placed a final order passed by the 3rd respondent in Rc.No.96/2001/A, dated 18-07-2007 before this Court. It is stated that notice was served to the petitioner and he has submitted explanation admitting that he has purchased the said lands but the assignees have not submitted any explanation and accordingly final orders have been passed resuming the said lands of an extent of Ac.4.07 cents proposing to allot the same towards house sites to weaker sections.

6. It is stated that the said final orders, dated 18-07-2007, have not been served on the petitioner. Having regard to the facts and circumstances, without expressing any opinion, Writ Petition is disposed of permitting the petitioner to file an appeal against the said final order, dated 18-07-2007, in Rc.No.96/2001/A, of the 3rd respondent before the concerned Revenue Divisional Officer, and if any such appeal is filed within ten days from today, *status quo*, obtaining as on today, with

regard to possession shall be maintained. If no appeal is filed within ten days it is open for the respondents to take possession of the said land. No order as to costs.

V.ESWARAIAH,J

07th December, 2007.

Note:

Furnish C.C. of the order
by Monday.

B/o
Tsy